

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Michael B. McGraw et al.

Application No.: 09/556,389

Filed: April 24, 2000

For: PORTABLE MUSCLE STIMULATOR  
WITH PULSE WIDTH CONTROL

Art Unit: 3762

Examiner: S. Getzow

Atty. Dkt. No.: 000309.00011  
MCG/DJE:

Date: December 13, 2005

Issue Fee Paid: August 15, 2005

#17

**RESPONSE TO REQUEST FOR NEW 37 C.F.R. § 3.73 STATEMENT***Via facsimile to 571-273-0100*Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam or Sir:

In response to a telephone communication between the U.S. Patent and Trademark Office and the firm prosecuting the above-captioned patent application, the Applicants, through undersigned counsel, respectfully submit that the correct Statement under 37 C.F.R. § 3.73 is already of record in the above-captioned patent application and that therefore, a new Statement is not needed.

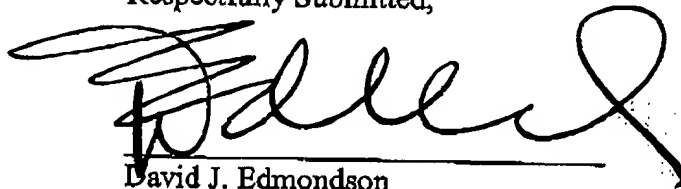
The originally filed Statement identifies the Patent Owner as the Assignee by virtue of an Assignment recorded at reel no. 7858, frame no. 0297. A copy of the USPTO assignment query result for that reel and frame number, identifying the first patent in the chain of continuation, is attached hereto as Exhibit A.

During the above-mentioned telephone communication, it was alleged that the correct reel and frame number are 9889/0872. The undersigned respectfully disagrees. A copy of the USPTO assignment query result for that reel and frame number is attached hereto as Exhibit B. As can be seen, the assignment details for that reel and frame number give both the wrong list of Assignors and the wrong Assignee for the above-captioned application. The undersigned can only conclude that the Assignment recorded at that reel and frame number was incorrectly associated with the present application or its parent, probably because a patent number was mistyped on that Assignment. In short, the Assignment recorded at that reel/frame number evidently bears no relationship to the present application.

For the reasons set forth above, the Applicants respectfully submit that the correct Statement under 37 C.F.R. § 3.73 is already of record and that nothing more is needed from the Applicants for issuance of a patent. Notification of such issuance is earnestly solicited.

If any outstanding issues remain, the Office is invited to telephone the undersigned at the telephone number set forth below.

Respectfully Submitted,



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### Assignments on the Web > Patent Query

#### Patent Assignment Details

**NOTE: Results display only for issued patents and published applications.  
For pending or abandoned applications please consult USPTO staff.**

Reel/Frame: 007858/0297

Recorded: 12/12/1995

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Total properties: 1

1 Patent #: 5755745 Issue Dt: 05/26/1998 Application #: 08536924 Filing Dt: 09/29/1995

Title: PORTABLE MUSCLE STIMULATOR WITH REMOVABLE DATA STORAGE CARD

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Exec Dt: 12/08/1995

Exec Dt: 12/08/1995

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Search Results as of: 01/12/2006 03:03 PM

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 571-272-3350

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# Exhibit A



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## Assignments on the Web &gt; Patent Query

## Patent Assignment Details

**NOTE: Results display only for issued patents and published applications.  
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Reel/Frame: 009889/0872

Recorded: 04/12/1999

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

## Total properties: 1

1 Patent #: RE36690 Issue Dt: 05/16/2000 Application #: 09290407 Filing Dt: 04/13/1999

Title: PORTABLE MUSCLE STIMULATOR WITH PULSE WIDTH CONTROL

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Exhibit B